

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.11.2019

Coram

The Honourable Mr.Justice D.KRISHNAKUMAR

W.P.No.17128 of 2010
and W.P.M.P.Nos.2 & 4 of 2010

V.Pachapillai

..Petitioner

Versus

- 1.State Express Transport Corporation
Tamilnadu Limited
Rep. by its Managing Director,
Pallavan Salai, Chennai - 600 002.
- 2.The General Manager,
(Operation and Administrations)
State Express Transport Corporation Tamil Nadu Limited,
Pallavan Salai, Chennai - 600 002.
- 3.The Branch Manager,
State Express Transport Corporation Tamil Nadu Limited,
Kumbakonam - 612 002.
- 4.A.Shanmugaveran,
Checking Inspector,
Tamil Nadu State Express Transport Corporation,
Nagapattinam Dept.,
Nagapattinam, Nagapattinam District.
- 5.A.Subbu Raj,
Managing Director,
State Express Transport,
Corporation Tamilnadu Limited,
Pallavan Salai, Chennai - 600 002.
- 6.P.Harihara Raman,
General Manager (Operation and Administration),
State Express Transport Corporation,
Tamilnadu Limited,
Pallavan Salai, Chennai - 600 002.

7.D.Selvaraj,
Branch Manager,
State Express Transport,
Corporation of Tamilnadu Limited,
Kumbakonam - 612 002.

(Respondents 5 to 7 were impleaded vide order dated 10.08.2010 made in W.P.M.P.No.3 of 2010)

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for all the connected and relevant records relating to the order No.038544/HR.4/SETC TN/2010/2034 dated 06.07.2010 passed by the second respondent and quash the same.

For Petitioner : Mr.S.Buvaneswari

For Respondents - 1 to 3 : Mr.Kannankumar

Respondents - 4 to 7 : No Appearance

O R D E R

Today(01.11.2019), when the matter is called, the learned counsel for the petitioner reported before this Court that she sent a communication to the writ petitioner, however, she has not yet received any instructions from him. So the present writ petition is taken up for final disposal on the basis of the materials available on record.

2. The relief sought for in this writ petition is to call for all the connected and relevant records relating to the order No.038544/HR.4/SETC TN/2010/2034 dated 06.07.2010, passed by the second respondent and quash the same.

3. It is the case that the writ petitioner was appointed as conductor on 01.04.1989 in Thiruvalluvar Transport Corporation Limited on the basis of daily wages and posted at Pondicherry Depot which is at a distance of 80 km from his native place. Subsequently, he was regularized on 01.03.1990 and he continued to work there for more than 15 years.

3.1 While so, the petitioner made a representation against the then Divisional Manager Mr.N.Padmanaban and announced that he will burn his union Membership in front of the Head Office at Chennai. Also, the petitioner wrote in Tamil Daily, Dina Malar

about the removal of the passenger door in the buses and mentioning about the hardships faced by the front seat passengers, conductors and drivers during rainy season as they will be completely wet. The said Mr.N.Padmanaban did not like this and that he transferred the petitioner to Trichy Depot which is at a distance of 350 km from the native place of the petitioner. The petitioner worked in Trichy Depot for about 3 to 4 months. Thereafter, he was re-transferred to Pondicherry Depot and he worked there for 2 months. Subsequently, the petitioner was transferred to Kumbakonam Depot which is at a distance of 400km from his native place and he worked there for a period of 5 years.

3.2 Apart from that, already vide proceeding M.O.No.1197/R1/SETC/M/2008 dated 24.07.2008, the petitioner was temporarily suspended from service, for not taking the bus at the scheduled time and other violations and he was kept under suspension for 29 days. On 20.08.2008, the said suspension order was revoked and the petitioner was allowed to join the duty. On 16.02.2009, the Checking Inspector issued a Memo to the petitioner for not collecting the fare for luggage. Subsequently, on 26.03.2009, the General Manager (Administration) State Express Transport Corporation Tamilnadu Ltd., Chennai issued a Charge Memo to the petitioner asking him to furnish the explanation for the charge framed against him with regard to the aforesaid suspension order. On 27.03.2009, the petitioner was given another suspension order with regard to the Memo dated 16.02.2009 issued, for not collecting the fare for luggage. On 02.06.2010, the fourth respondent issued a Memo to the petitioner, for taking very limited number of passengers in Bus No.B.195, Route No.303 UD.

3.3 While the petitioner was working in Kumbakonam Depot, vide proceeding No.038544/HR.4/SETC TN/2010/2034 dated 06.07.2010, the second respondent transferred him to Marthandam Depot. The said Marthandam Depot is situated in Kanyakumari District which is at a distance of 700 km from the native place of the petitioner. Aggrieved by the order of transfer issued by the second respondent, the petitioner has come before this Court with the present writ petition.

4. The learned counsel for the petitioner fairly submitted that the petitioner was very often transferred from one Depot to another, for no reason. She further submitted that the general policy of the Corporation itself is to appoint the conductors and drivers in the depots which are nearer to their native places, however, in the case of the petitioner, though he was residing with his family at Shankarapuram, he was

transferred to the places which are very far away from his native place.

4.1 The learned counsel for the petitioner would contend that the second respondent issued the impugned transfer order only with a mala fide intention to make the petitioner to suffer and therefore, the same is liable to be quashed. She would further contend that when the case was admitted, this Court also granted an order of interim stay in favour of the petitioner and the same was extended till 19.10.2010.

5. The learned counsel appearing for the respondents 1 to 3 would submit that the writ petitioner is now retired from the service as he attained the age of superannuation. He would also submit that the said interim order of stay granted by this Court on 15.09.2010 was extended till 19.10.2010 only and thereafter, the same was not extended.

6. Considering the submission made by the learned counsel appearing for the respondents 1 to 3, nothing survives in the matter for further adjudication and therefore, this writ petition is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

mrr

To

- 1.The Managing Director,
State Express Transport Corporation
Tamilnadu Limited,
Pallavan Salai, Chennai - 600 002.
- 2.The General Manager,
(Operation and Administrations)
State Express Transport Corporation Tamil Nadu Limited,
Pallavan Salai, Chennai - 600 002.
- 3.The Branch Manager,
State Express Transport Corporation Tamil Nadu Limited,
Kumbakonam - 612 002.

+1cc to Mr.D.Sadhasivam, Advocate SR.90950
+1cc to Mr.P.Kannan Kumar, Advocate SR.91450

W.P.No.17128 of 2010

SS (CO)
CB(11/12/2019)



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